

Casey D. Laffey (CL-1483)
REED SMITH LLP
599 Lexington Avenue
New York, New York 10022
Tel. (212) 521-5400
Fax. (212) 521-5450
claffey@reedsmith.com

Attorneys for Defendant Chex Systems, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VANGELI KASELURIS,

Plaintiff,

- against -

BANK OF AMERICA, NATIONAL
ASSOCIATION and CHEX SYSTEMS, INC.,

Defendants.

No. 07 Civ. 09336 (NRB)

**ANSWER and AFFIRMATIVE
DEFENSES**

Defendant Chex Systems, Inc. ("Chex Systems") answers the above-captioned
Complaint, and asserts affirmative defenses, as follows:

1. This paragraph makes only legal assertions, to which no response is required.
2. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
3. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent this paragraph alleges facts about damage to Plaintiff, Chex System denies knowledge or information sufficient to form a belief as to the truth of the allegations and leaves Plaintiff to his proofs.
4. Denied.
5. Denied.

6. Denied.
7. Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations and leaves Plaintiff to his proofs.
8. Denied.
9. Denied.
10. This paragraph makes only legal assertions, to which no response is required. To the extent a response is required, Chex Systems denies the allegations.
11. Admitted.
12. Chex System denies knowledge or information sufficient to form a belief as to the truth of the allegations and leaves Plaintiff to his proofs.
13. This paragraph makes only legal assertions, to which no response is required. To the extent a response is required, Chex Systems denies the allegations.
14. This paragraph makes only legal assertions, to which no response is required. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
15. This paragraph makes only legal assertions, to which no response is required. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
16. Admitted.
17. This paragraph makes only legal assertions, to which no response is required. To the extent a response is required, Chex Systems denies the allegations.
18. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or

information sufficient to form a belief as to the truth of the allegations.

19. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
20. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
21. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
22. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
23. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
24. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies the allegations.
25. To the extent such document exists, it speaks for itself.
26. To the extent such document exists, it speaks for itself.
27. To the extent such document exists, it speaks for itself.
28. To the extent such document exists, it speaks for itself.
29. To the extent such document exists, it speaks for itself.

30. To the extent such document exists, it speaks for itself.
31. To the extent such document exists, it speaks for itself.
32. To the extent such document exists, it speaks for itself.
33. Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations and leaves Plaintiff to his proofs.
34. Chex Systems repeats all prior responses.
35. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
36. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
37. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
38. This paragraph makes only legal assertions, to which no response is required. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
39. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.
40. Chex Systems repeats all prior responses.
41. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need

not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

42. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

43. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

44. This paragraph makes only legal assertions, to which no response is required. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

45. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

46. Chex Systems repeats all prior responses.

47. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

48. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

49. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or

information sufficient to form a belief as to the truth of the allegations.

50. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

51. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

52. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

53. Chex Systems repeats all prior responses.

54. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations.

55. Chex Systems admits to receiving reports from Bank of America, which speaks for themselves. Otherwise, Chex Systems denies knowledge or information sufficient to form a belief as to the truth of the allegations and leaves Plaintiff to his proofs

56. This paragraph makes no allegations as to Chex Systems. Therefore, Chex Systems need not respond. To the extent a response is required, Chex System's denies knowledge or information sufficient to form a belief as to the truth of the allegations.

57. Chex System repeats all prior responses.

58. Denied.

59. Chex System denies knowledge or information sufficient to form a belief as to the truth

of the allegations and leaves Plaintiff to his proofs.

60. Denied.

61. Chex System repeats all prior responses.

62. Denied.

63. Chex System denies knowledge or information sufficient to form a belief as to the truth of the allegations and leaves Plaintiff to his proofs.

64. Denied.

65. Chex System repeats all prior responses.

66. Denied.

67. Denied.

68. Denied.

69. Chex System denies knowledge or information sufficient to form a belief as to the truth of the allegations and leaves Plaintiff to his proofs.

70. Denied.

71. Denied.

WHEREFORE, the Defendant demands judgment in favor of Chex Systems, together with the costs of defending this action and such other relief as the Court may find just.

AFFIRMATIVE DEFENSES

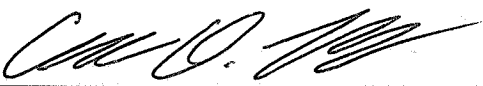
In addition to any affirmative defenses which Chex Systems may discover or find applicable during the course of this litigation, Chex Systems asserts that:

1. The Complaint fails to state a cause of action upon which relief can be granted.
2. Chex Systems did not breach any legal duty owed and otherwise discharged each and every obligation that may have been owed to Plaintiff.

3. All actions taken by Chex Systems were reasonable, necessary and consistent with commercial standards.
4. The causes of action are barred by the applicable statute of limitations.
5. Plaintiff's alleged injuries or damages were not the proximate result of any alleged conduct or failure to act by Chex Systems.
6. The causes of action are barred by the doctrine of estoppel.
7. The causes of action are barred by the doctrine of unclean hands.
8. The causes of action are barred by the doctrine of waiver.
9. Plaintiff has failed to join indispensable parties to this matter.
10. The causes of action are not ripe for adjudication.
11. Plaintiff is not entitled to recover counsel fees in this action pursuant to any rule, statute or other substantive law.
12. Plaintiff's recovery in this lawsuit is barred in whole or part by its own negligence.
13. Plaintiff's injuries or damages, if any, are *de minimis*.

Dated: New York, New York
January 4, 2008

REED SMITH LLP

By: 
Casey D. Laffey (CL-1483)
599 Lexington Avenue
New York, New York 10022
Tel. (212) 521-5400
Fax. (212) 521-5450
claffey@reedsmith.com

*Counsel for Defendant
Chex Systems, Inc.*

TO: FISHMAN & NEIL, LLP
Attn: Kevin Mallon, Esq.
305 Broadway, Suite 900
New York, NY 10007